SHRIARUN SHOURIE: Sir, the hon. Member, I am sure, knows the International Financial Corporation had commissioned a study in which they found India has not included several items, as a part of the FDI inflow which other countries, specially China, has included. As a consequence of that study, in October, a Group had been set up. This Expert Group submitted its Report in October. The third meeting to operationalise the recommendations of this Group is scheduled to be held tomorrow. We found that sixteen items, which China and other countries, are including as FDI, going by the IMF Code, are not being included in India and if they were included then, for instance, the figure for last year would not be US $ 2.6 billion, but would be around US $ 6-7 billion.

**275. [The questioner (Shri Ramachandra Khuntia) was absent. For answer vide Page 56.]*

**276. [The questioner (Dr. Alladi P. Rajkumar) was absent. For answer vide Page 57.]*

न्यायाधीशों की आवश्यकता

*277. **श्री कपिल सिब्बल** :

श्री राजीव रंजन सिंह "ललन" : **††**

क्या विधि और न्याय मंत्री यह बताने की कृपा करेंगे कि **:**

(क) क्या यह सच है कि सरकार देश में बढ़ती हुई जनसंख्या को देखते हुए न्यायाधीशों की संख्या में बढ़ोतरी करना आवश्यक समझती है **:**

(ख) यदि हां, तो इस समय देश में कितने न्यायाधीशों की आवश्यकता का अनुमान लगाया गया है **:**, और

(ग) इस समय नियुक्त न्यायाधीशों की कुल संख्या कितनी है ?

विधि और न्याय मंत्री (श्री के. जना कृष्णामूर्ति) : (क) से (ग) एक विवरण प्रदान के पटल पर रख दिया गया है ।

विवरण

(क) उच्चतम न्यायालय की न्यायाधीश-पदसंख्या भारत के संविधान के अनुसार है । उच्च न्यायालयों में न्यायाधीश-पदसंख्या का, प्रत्येक उच्च न्यायालय में संस्थित, निपटाए गए और

†† सभा में यह प्रश्न श्री राजीव रंजन सिंह "ललन" द्वारा पूछा गया ।

लंबित मामलों के आंकड़ो के आधार पर विहित मानदंडों के अनुसार प्रत्येक तीन वर्ष में एक बार पुनर्विलोकन किया जाता है। जहां तक जिला और अधीनस्थ न्यायालयों का संबंध है, पदसंख्या का निर्धारण राज्य सरकारों द्वारा संबंधित उच्च न्यायालयों के परामर्श से किया जाता है ।

तथापि, उच्चतम न्यायालय ने आल इंडिया जज़ेज एसोशिएशन और अन्य बनाम भारत संघ और अन्य के मामले में तारीख 21 मार्च, 2002 के अपने निर्णय में यह निर्देश दिया है कि न्यायाधीश पदसंख्या में प्रति दस लाख की जनसंख्या पर 10.5 या 13 के विद्यमान औसत को बढ़ाकर प्रति दस लाख की जनसंख्या पर 50 न्यायाधीश किए जाने को संघ के विधि मंत्री द्वारा अवधारित और निदेशित की जाने वाली चरणबद्व रीति में 5 वर्ष के भीतर प्रभावी और क्रियान्वित किया जाना चाहिए । केंद्रीय सरकार ने उच्चतम न्यायालय के समक्ष, संघ राज्यक्षेत्रों की बाबत जनसंख्या के आधार पर न्यायाधीश-पदसंख्या में वृद्वि से संबंधित उसके निदेशों का उपांतरण करने और लंबित मामलों सहित सुसंगत तथ्यों पर आधारित समुचित न्यायाधीश-पदसंख्या के अवधारण के लिए संघ सरकार को अनुमति देने के लिए आवेदन फाइल किए है । यह विषय निर्णयाधीन है

(ख)2001 की जनगणना के अनुसार जनसंख्या के आधार पर लगभग 51,351 न्यायाधीशों को पदासीन किए जाने की अपेक्षा होगी ।

(ग) उपलब्ध जानकारी के अनुसार इस समय पदासीन न्यायाधीशों की कुल संख्या 15,095 है ।

Requirement of Judges

†*277. SHRI KAPIL SIBAL
SHRI RAJIV RANJAN SINGH 'LALAN':ft

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that Government consider it necessary to increase the number of Judges in view of the increasing population of the country;

(b) if so, the estimated number of Judges required in the country at present; and

(c) the total number of Judges in position at present?

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†Original notice of the question was received in Hindi.

††The question was actually asked on the floor of the House by Shri Rajiv Ranjan Singh 'Lalan'.

THE MINISTER OF LAW AND JUSTICE (SHRI K. JANA KRISHNAMURTHY): (a) to (c) A Statement is laid on the Table of the House.

(a) The Judge strength in Supreme Court is as per tbe Constitution of India. The Judge strength in the High Courts is reviewed once in three years as per prescribed norms on the basis of figures of institution, disposal and pendency of cases in each High Court. As regards District and Subordinate Courts, the Judge strength is worked out by State Governments in consultation with the concerned High Courts.

However, the Supreme Court, in its Judgement of 21 st March, 2002, in All India Judges' Association & Ors Vs. Union of India & Ors, has directed that an increase in the judge strength from the existing ratio of 10.5 or 13 per 10 lakh people to 50 judges per 10 lakh people should be effected and implemented within a period of five years in a phased manner to be determined and directed by the Union Ministry of Law. The Central Government has filed applications before the Supreme Court, seeking modification of its directions for increase in Judge strength on the basis of population in respect of Union territories and permit the Union Government to determine the appropriate judge strength based on the relevant factors including pendency of cases. The matter is *subjudice.*

(b) An estimated 51,351 Judges would be required to be in position on the basis of population as per Census 2001.

(c) As per available information, the total number of Judges in position at present is 15,095.

श्री राजीव रंजन सिंह "ललन" : सभापति महोदय, अभी विभिन्न न्यायालयों, उच्च न्यायालयों और सुप्रीम कोर्ट में जो जज़ेज की स्ट्रेंथ है, उस में जैसा कि सरकार ने बताया 15095 जज़ेज की अभी स्ट्रेंथ है, मैं माननीय मंत्री जी से जानना चाहूंगा कि उस में अभी कितनी रिक्तियां हैं ?

SHRI K. JANA KRISHNAMURTHY: Sir, so far as the vacancies of judges in the subordinate judiciary are concerned, around 1,900 and odd posts are lying vacant.

श्री राजीव रंजन सिंह "ललन" : महोदय, माननीय मंत्री जी ने बताया कि 1000 के आसपास रिक्तियां है। उस में हमारी पटना हाईकोर्ट के भी कई पद रिक्त हैं। मैं जानना चाहूंगा कि उन रिक्तियों का भरने के लिए सरकार क्या कार्यवाही करने जा रही है ? महोदय, अभी हम लोगों की जो जानकारी है, उस के आधार पर मैं माननीय मंत्री जी को बताना चाहता हूं...

श्री सभापति: आप पूछिए, उन्हें बताइए नहीं, आप मंत्री जी की हैल्प मत करो, प्रश्न पूछ लो।

श्री राजीव रंजन सिंह"ललन" : महोदय, बार-बार एक ही सूची को, जिसे रिजेक्ट किया जा रहा है, उस को फिर वहां से भेज दिया जाता है। मैं माननीय मंत्री जी से जानना चाहूंगा कि सरकार नए सिरे से उन रिक्तियों को भरने के लिए क्या कार्यवाही करने जा रही हैं ?

SHRI K. JANA KRISHNAMURTHY: Sir, if the hon. Member is referring to the vacancies in the subordinate judiciary, it comes within the exclusive purview of the High Courts and the concerned State Government. If he is referring to the vacancies in High Courts, the matter is under process. The Ministry does not decide it. After the 1993 judgement of the hon. Supreme Court, the entire matter of selection, appointment and transfer of judges comes under the exclusive privilege of the Chief Justice and two senior most judges of the Supreme Court. Whatever it is, the process is going on. As and when the Chief Justice of India, with collegiums, accepts those recommendations, they will be passed on to the hon. President of India for his assent.

SHRI HANSRAJ BHARDWAJ: Sir, the thrust of my question is with regard to written reply to part 'b' of the question, which says, "An estimated 51,351 Judges would be required to be in position on the basis of population, as per Census 2001." The basic problem that has arisen out of the judgement of the hon. Supreme Court is that the State Governments do not have funds and the Central Government has no provision to give such grants to the States. So, this is a basic problem in the country. The hon. Supreme Court has directed that you should have 50,000 judges in the States, whereas the States say that they do not have any money. Will the Government consider—rather than totally relying on the strength of the judges—the Alternatives Dispute Resolution mechanism? Here, I would like to point out that there was a national consensus in 1993 that India was a poor country; you cannot accept the same kind of ratio of judges, as it was in the United States and other countries. Therefore, having regard to the ethos of this country, the Government should explore the possibility of finding ADR mechanism for resolving disputes, rather than burdening the exchequers of the poor States.

SHRI K. JANA KRISHNAMURTHY: The reply to the question of hon. Member is in two parts. First, the Government is certainly exploring

an Alternative Dispute Resolution through arbitration, mediation and conciliation. The process is on. Secondly, so far as the other aspect of the question is concerned, the Government has, on the basis of judgement, filed a petition in the Supreme Court, seeking modifications of the original orders that it should be on the basis of 50 per million population. An order in this regard is still awaited. The Supreme Court is still to deliberate on its order.

SHRI KULDIP NAYYAR: Is there any proposal to have a judicial Commission which could supervise the appointments and transfer of judges?

SHRI K. JANA KRISHNAMURTHY: Sir, the NDA Government is committed to the appointment of a National Judicial Commission. It is committed to the appointment of not only the Supreme Court judges, but also the High Court judges and their transfers. The matter is being discussed with all the political parties. As the Law Minister, I have taken up this matter with all the political parties. I hope, sooner than later, we will be able to arrive at a consensus. On that basis, a Bill will be brought forward to this House, as early as possible.

MR. CHAIRMAN: Question Hour is over.

WRITTEN ANSWERS TO STARRED QUESTIONS

Ayurvedic System of Medicine

*262. SHRI SURESHPACHOURI:

SHRI MOOLCHAND MEENA:

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) the details of measures taken by Government to encourage the Ayurvedic System of Medicine; .

(b) whether the Ayurvedic drug manufacturers are finding it difficult to withstand the competition from the Allopathic Sysem of Medicine; and

(c) if so, the steps taken by Government to reduce the cost of production of Ayurvedic medicines?